

02-08-07

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"Express Mail" mailing label number: EV 924791833 US

Date of Deposit: February 6, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Naoya Hasegawa ET AL.

Appln. No.: 10/624,931

Filed: July 22, 2003

For: SPIN-VALVE
MAGNETORESISTIVE THIN
FILM ELEMENT

Examiner: Miller, Brian E.

Art Unit: 2627

Attorney Docket No: 9281-4596 (N US02519)

Mail Stop Patent Ext.
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached are:

- ☒ Transmittal Letter (in duplicate); Request for Reconsideration of Patent Term Adjustment (in duplicate) with attached Appendix A and B.
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ for the Petition fee is enclosed.
- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$200.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

2/6/07

Gustavo Siller, Jr. (Reg. No. 32,305)



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In re Appln. of: Naoya Hasegawa et al.

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**REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT**

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Patent Application Information Retrieval (PAIR) system indicates a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37 C.F.R. 1.701 of 545 days. A copy of the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History is attached as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be 723 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The present application is not subject to a terminal disclaimer. In addition, there were no circumstances during the prosecution of the application resulting in the notice

of allowance that constitute a failure of the Applicant to engage in reasonable efforts to conclude processing or examination of the present application as set forth in 37 C.F.R. §1.704.

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)

The period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) is the number of days in the period beginning on the day ("the 14 month date") after the date that is fourteen months after the date on which the application was filed pursuant to 35 U.S.C. § 111(a), or fulfilled the requirements pursuant to 35 U.S.C. § 371, and ending on the date of mailing or either an action pursuant to 35 U.S.C. § 132 or a notice of allowance pursuant to 35 U.S.C. § 151, whichever comes first.

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 545 days (14 months after the filing of the application on July 22, 2003 to the mailing of the first Office Action on March 21, 2006).

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on July 22, 2003. The 3 year date specified in 37 C.F.R. § 1.703(b) is July 22, 2006. The PTO issued a patent for the present application on January 16, 2007. A copy of the Issue Notification is attached as

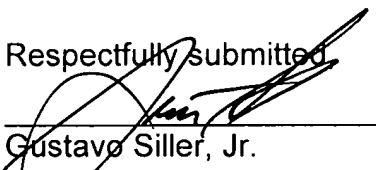
Exhibit B. The difference between the 3 year date and the date of issue of the patent is 178 days.

Total Patent Term Adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we believe that the patent term adjustment should be at least 723 days – 0 days = 723 days.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark Office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,



Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicant

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EXHIBIT
A

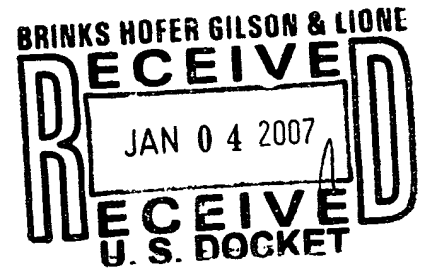


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,931	01/16/2007	7164560	9281/4596	6762

7590 12/27/2006
Jasper W. Dockrey
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 545 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Masamichi Saito, Niigata-ken, JAPAN;
Naoya Hasegawa, Niigata-ken, JAPAN;

Search results as of: 01-29-2007::11:04:29 E.T.

Patent Term Adjustment

Filing or 371(c) Date:	07-22-2003	USPTO Delay (PTO) Delay (days):	545
Issue Date of Patent:	01-16-2007	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	0
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	545
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
12-27-2006	PTA 36 Months		
01-16-2007	Patent Issue Date Used in PTA Calculation		
12-08-2006	Dispatch to FDC		
11-22-2006	Application Is Considered Ready for Issue		
11-20-2006	Issue Fee Payment Verified		
11-20-2006	Issue Fee Payment Received		
09-12-2006	Mail Notice of Allowance		
09-11-2006	Notice of Allowance Data Verification Completed		
08-30-2006	Date Forwarded to Examiner		
08-29-2006	Response after Non-Final Action		
06-28-2006	Mail Non-Final Rejection		
06-26-2006	Non-Final Rejection		
04-24-2006	Date Forwarded to Examiner		
04-21-2006	Response to Election / Restriction Filed		
03-21-2006	Case Docketed to Examiner in GAU		
03-21-2006	Mail Restriction Requirement	545	
03-20-2006	Requirement for Restriction / Election	⬆	
01-24-2006	Case Docketed to Examiner in GAU	⬆	
04-22-2004	Case Docketed to Examiner in GAU	⬆	
04-22-2004	IFW TSS Processing by Tech Center Complete	⬆	
04-07-2004	Application Return from OIPE	⬆	
04-07-2004	Application Is Now Complete	⬆	
04-07-2004	Application Return TO OIPE	⬆	
04-06-2004	Application Return from OIPE	⬆	
04-06-2004	Application Return TO OIPE	⬆	
04-05-2004	Application Return from OIPE	⬆	
04-06-2004	Application Is Now Complete	⬆	
04-05-2004	Application Return TO OIPE	⬆	
04-05-2004	Application Dispatched from OIPE	⬆	
04-06-2004	Application Is Now Complete	⬆	
10-20-2003	Cleared by L&R (LARS)	⬆	
10-09-2003	Intentionally Referred by OIPE or L&R	⬆	
08-22-2003	IFW Scan & PACR Auto Security Review	⬆	

07-22-2003 Initial Exam Team nn



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